

CHAPTER 1094 Transportation District

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CROSS REFERENCES

Transportation District Act - see Code of Va. ' ' 15.2-4500 to 15.2-4534
 Highways generally - see Code of Va. ' ' 33.1-1 to 33.1-389
 Use of public ways - see TRAF. Ch. 442

1094.01 PURPOSES.

The Loudoun County Transportation District is hereby established to facilitate the planning and development of an improved transportation system composed of transit facilities, public highways and other modes of transportation required in order to promote orderly transportation into, within and from the District, and to secure the comfort, convenience and safety of its residents. The orderly growth and development of the County requires such an improved transportation system. Joint action with contiguous counties has not been agreed to at this time. (Ord. 88-16. Passed 11-21-88.)

1094.02 BOUNDARIES.

The County Transportation District shall embrace the territorial limits of the County. (Ord. 88-16. Passed 11-21-88.)

1094.03 TRANSPORTATION DISTRICT COMMISSION.

(a) Establishment. The Loudoun County Transportation District Commission, a body corporate and politic, is hereby established to manage and control the functions, affairs and property of the County Transportation District and to exercise all of the rights, powers and authorities, and to perform all of the duties conferred or imposed upon the corporation in accordance with the law and as may be set forth in this chapter.

(b) Membership.

- (1) The Commission shall consist of eight members representing the County, which number may be amended by the Board of Supervisors, two members of the House of Delegates and one member of the Senate of Virginia from legislative districts located wholly or in part within

the boundaries of the District, and the Chairperson of the Commonwealth Transportation Board or his designee as an ex officio member. Membership shall be altered upon the entry of any new jurisdiction into the District, or upon the withdrawal of any jurisdiction therefrom, in accordance with an agreement among the parties.

- (2) The Board of Supervisors shall appoint, from among its members or otherwise, as its representatives, eight Commissioners, each of whom shall serve at the pleasure of the Board.
- (3) The Board may appoint, from among its members or otherwise, designated alternate members for those representatives appointed to the Commission, who shall exercise all of the powers and duties of a Commission member when the regular member is absent from Commission meetings. Alternate members shall serve at the pleasure of the Board.
- (4) The Board shall inform the Commission of its appointments to and removals from the Commission by delivering to the Commission a certified copy of the resolution making the appointment or causing the removal.
- (5) The Chairperson of the Commonwealth Transportation Board, or his designee, shall be an ex officio member of the Commission. The Chairperson may appoint an alternate member who shall have authority to exercise all the powers and duties of the Chairperson when neither the Chairperson nor his designee is in attendance at a meeting of the Commission.
- (6) Each member of the Commission, before entering on the performance of his public duties, shall take and subscribe the oath or affirmation specified in Article II, Section 7, of the Constitution of Virginia.
- (7) Each member of the Commission shall, before entering upon the discharge of his duties under this chapter, give bond payable to the Commonwealth in a form approved by the Attorney General, in such penalty as shall be fixed from time to time by the Governor, with some surety or guarantee company duly authorized to do business in the Commonwealth and approved by the Governor, as security, conditioned upon the faithful discharge of the duties of such member. The premium of such bonds shall be paid by the Commission, and such bonds shall be filed with and preserved by the Comptroller of the Commonwealth.
- (8) The members of the Commission shall receive no salary but shall be entitled to expenses and the per diem pay allowed members of the State Department of Transportation for each day spent on their official duties.

(c) Officers.

- (1) Within thirty days after the appointment of the original members of the Commission, the Commission shall meet on the call of any member and shall elect one of its members as Chairperson and another as Vice-Chairperson, each to serve for a term of one year or until his successor is elected and qualified.
- (2) The Commission shall elect one of its members as Secretary and another as Treasurer, each to serve for a term of one year or until his successor is elected and qualified.
- (3) All officers shall be eligible for re-election.

(d) Meetings.

- (1) Regular meetings of the Commission shall be held at least once every month at such time and place as the Commission shall from time to time prescribe. Regular meetings may be held more often, in the discretion of the Commission, as the proper performance of the Commission's duties requires.
- (2) Special meetings of the Commission shall be held upon mailed notice, or actual notice otherwise given, to each member of the Commission upon call of the Chairperson or any two members of the Commission, at such time and in such place within the District as such notice may specify, or at such other time and place with or without notice as all the members of the Commission may expressly approve.
- (3) All regular and special meetings of the Commission shall be open to the public, but the public shall not be entitled to any other or different notice than provided in this subsection. Unless a meeting is called for the purpose of a public hearing, members of the public shall have no right to be heard or otherwise participate in the proceedings of the meeting, except to the extent that the Chairperson may in specific instances grant such right of participation. The proceedings of the Commission shall be subject to the provisions of the Virginia Freedom of Information Act, Section 2.1-340 et seq. of the Code of Virginia of 1950, as amended.
- (4) A majority of the Commission shall constitute a quorum.
- (5) Each Commission member, including the Chairperson of the Commonwealth Transportation Board or his designee and the representatives from the General Assembly, shall be entitled to one vote in all matters requiring action by the Commission.

(e) Accounts, Records and Funds.

- (1) The Commission shall keep and preserve complete and accurate accounts and records of all moneys received and disbursed by it, of all of its business and operations and of all property and funds owned or managed by it or under its control. The Commission shall prepare and transmit to the Governor and to the Board of Supervisors, annually and at such other times as the Governor requires, complete and accurate reports as to the state and content of such accounts and records, together with such information with respect thereto as the Governor may require.
- (2) All moneys of the Commission, whether derived from a contract of the Commission or from any other source, shall be collected, received, held, secured and disbursed in accordance with any contract of the Commission relating thereto.
- (3) All moneys shall be deposited by the Commission in bank accounts, appropriately designated, in such banks or trust companies as may be designated by the Commission.
- (4) The Commission may invest any funds in its possession in accordance with Chapter 18 of Title 2.1 of the Code of Virginia of 1950, as amended. (Ord. 88-16. Passed 11-21-88.)

(f) Powers and Functions.

- (1) The Commission shall have those powers set forth in Section 15.2-4500 of the Code of Virginia of 1950, the Transportation District Act of 1964, as amended.
- (2) In accordance with Section 15.2-4515(C) of the Transportation District Act of 1964, the Commission shall have the powers set forth in Sections 15.2-4515(A) and 15.2-4515(B)(5)(a) of such Act.
(Ord. 98-01. Passed 3-18-98.)

1094.04 PLANNING PROCESS AND PROCEDURES; ADOPTION OF TRANSPORTATION PLAN.

(a) The Transportation District Commission shall prepare a Transportation Plan for the Transportation District and shall from time to time revise and amend such plan.

(b) The principal initial purposes for the establishment of the Transportation District are the collection of the revenues from the two percent motor vehicle fuel sales tax to be levied in accordance with Section 58.1-1719 et seq. of the Code of Virginia of 1950, as amended, within the boundaries of the District and the expenditure of those revenues and any other sources of revenue for projects as identified in the adopted Transportation Plan. Among the purposes and projects which are to be considered by the District in accordance with this section shall be acquisition of rights of way for public transportation purposes, including park and ride lots, and supplemental funding to the Virginia Department of Transportation for various construction projects and transportation safety improvements.

(c) Nothing contained in this section shall be deemed or construed to prohibit the Commission from adopting other interim transportation plans, projects or agreements authorized by the Transportation District Act, as the Commission shall determine to be in the best interests of the District, and as shall be consonant with its financial capabilities. (Ord. 88-16. Passed 11-21-88.)

(d) In adopting the Transportation Plan, the Commission shall adhere to the planning process set forth in Section 15.1-1365, now Section 15.2-4527, of the Transportation District Act of 1964 and shall conform to the procedures set forth in Section 15.1-1366, now Section 15.2-4528, of such Act, as well as such additional procedures the Commission may prescribe.
(Ord. 98-01. Passed 3-18-98.)

1094.05 BUDGET, EXPENSES AND DISTRIBUTION OF COMMISSION REVENUES AND OTHER INCOME.

(a) Immediately upon formation of the District, and annually thereafter, the Commission shall submit to the Board of Supervisors a budget for its administrative expenses anticipated for the next ensuing fiscal year (from July 1 to June 30 of each year), not to include any funds for construction or acquisition of transportation facilities, and for the performance of any transportation service authorized by law and agreement.

(b) Further, the Commission shall annually submit to the Board of Supervisors a budget of its other expenses and obligations for the ensuing fiscal year, and such expenses and obligations shall be borne in accordance with contractual arrangements made therefor.

(c) Until such time as the Commission is receiving revenues from the motor vehicle fuel sales tax, or any other source independent of the County adequate to meet the administrative expenses of the Commission, such administrative expenses may be funded by the Board. After, and to the extent that, revenues are received from the motor vehicle fuel sales tax, such expenses shall be funded from such revenues.

(d) Fuel sales tax revenues distributed monthly to the Commission by the State Department of Taxation shall be used and distributed by the Commission only in the following manner:

- (1) The Commission shall place the receipts from such tax into a separate account.
- (2) The Commission shall first withdraw from such account the agreed share of the administrative costs of the Commission, on a monthly or quarterly basis, as the Commission shall deem appropriate, as provided elsewhere in this section.
- (3) The remainder of the revenues collected from such tax shall be expended by the Commission only for such transportation projects as may be identified in the District Transportation Plan and as may be agreed to by the Board of Supervisors.
- (4) Other revenues generated by transportation facilities operated by the District shall be accounted for separately as the Commission may determine and shall be expended for operation, maintenance and capital replacement or improvement of District facilities.
(Ord. 88-16. Passed 11-21-88.)

1094.06 BONDS AND OTHER OBLIGATIONS.

The Commission may issue bonds or other interest-bearing obligations as provided for in Section 15.2-4519 of the Transportation District Act of 1964, as amended.
(Ord. 98-01. Passed 3-18-98.)

1094.07 EXEMPTION FROM TAXATION.

The Transportation District shall be exempt from taxation as provided for in Section 15.2-4532 of the Code of Virginia of 1950, as amended.
(Ord. 98-01. Passed 3-18-98.)

1094.08 LIABILITY FOR TORTS.

The Transportation District shall be liable for torts only as provided in Section 15.2-4533 of the Code of Virginia of 1950, as amended.
(Ord. 98-01. Passed 3-18-98.)

1094.09 ENLARGEMENT OF DISTRICT.

The territory embraced within the Transportation District may be enlarged in accordance with the procedure set forth in Section 15.2-4529 of the Code of Virginia of 1950, as amended. (Ord. 98-01. Passed 3-18-98.)

1094.10 WITHDRAWAL FROM DISTRICT.

A county or city may withdraw from the Transportation District as provided for in Sections 15.2-4530 and 15.2-4531 of the Code of Virginia of 1950, as amended.
(Ord. 98-01. Passed 3-18-98.)